THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.12728 OF 2007

DATED 09th JULY, 2007

BETWEEN:

Koppana Narayana Murthy and another.

… Petitioners

AND

The Mandal Revenue Officer, Gollaprolu Mandal, East Godavari District and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12728 OF 2007

ORDER:

The first petitioner is allegedly owner of land admeasuring Acs.2.18 in survey No.34 and the second petitioner is allegedly owner of land admeasuring Acs.3.16 in survey No.25 situated at Vannepudi Village and Gollaprolu Mandal in East Godavari District. It appears a Notice under Section 6(1) of A.P.Survey and Boundaries Act, 1923 was displayed on the Notice Board of Panchayat Office proposing to conduct survey. When the petitioners approached respondents, they were informed that their land is required for providing house sites under 'Indira Awas Yojana'. Aggrieved by the same, they filed the present writ petition challenging the survey proposed by respondents.

Even according to petitioners, pre-acquisition survey is planned by respondents 1 and 2. When such action is initiated by respondents, petitioners cannot take any objection. If ultimately any Notification is issued for acquiring land under Section 4(1) of the Land Acquisition Act, 1894, the petitioners may raise all the grounds objecting for such acquisition. If the petitioners allege that they are small farmers entirely depending on agriculture, nothing prevents them to raise such objection at appropriate stage. In the writ petition, revenue authorities cannot be injuncted not to take up pre-acquisition survey.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

09.07.2007.
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